



Caterpillar Inc.
100 NE Adams Street
Peoria, Illinois 61629-7310

February 19, 2002

Via Electronic Mail

Ms. Gloria Blue
Trade Policy Staff Committee
Office of the U.S. Trade Representative
600 Seventeenth Street, NW
Washington, DC 20508

**Re: Caterpillar's Exclusion Request for Alloy Ripper Shank Steel (X-115)
Steel Investigation No. TA-201-73 issued December 2001**

Dear Ms. Blue:

No domestic mill objects to Caterpillar Inc.'s ("Caterpillar") exclusion request for alloy ripper shank steel; accordingly, the exclusion should be granted.

Initially, counsel for the major integrated domestic mills objected to the product description claiming it was vague and included an end-use requirement. Notably, they did not object on the grounds that the product was made domestically. At the request of Mr. Richard Weible of the Department of Commerce and other members of the Trade Policy Staff Committee ("TPSC"), Caterpillar worked with these domestic mills, and their counsel, to refine the definition. We have now reached a mutually agreed-upon definition, and they have withdrawn their objection.

The domestic mills withdrew their objection based on the definition of alloy ripper shank steel set forth below.

Alloy Ripper Shank Steel

Rectangular rolled section having rounded corners with radii of at least 6mm but not more than 25mm; of SAE 41B30 modified chemistry containing manganese of at least 1.00 percent but not more than 1.30 percent by weight, and containing chromium of at least 0.40 percent but not more than 0.65 percent by weight; and with a thickness of at least 72mm but not more than 77mm and a width of at least 327mm but not more than 337mm, or with a thickness of at least 86mm but not more than 92mm and a width of at least 352mm but not more than 362mm, or with a thickness of at least 86mm but not more than 92mm and a width of at least 377mm but not more than 387mm, or with a thickness of at least 96mm but not more than 102mm and a width of at least 395mm but

¹ See, Domestic Producers' Feb. 6, 2002 Supplemental Response to Product Exclusion Requests Filed on Behalf of Bethlehem Steel Corp., National Steel Corp. and United States Steel Corp. at page 12-13 of the Exhibit on Plate Exclusion Requests.

not more than 405mm, or with a thickness of at least 106mm but not more than 112mm and a width of at least 444mm but not more than 455mm.²

Copies of the statements of the mills withdrawing their objection are attached.

Two other mills (SWV and WCI) initially objected to Caterpillar's exclusion request for alloy ripper shank steel, claiming that they could produce it. Having taken a closer look at the product description, however, they realized they cannot produce this product. Consequently, they have both withdrawn their objections.³

There is no U.S. mill producing alloy ripper shank steel. There is no U.S. mill even claiming that it could produce this product. As a result, Caterpillar's request for alloy ripper shank steel to be excluded from any safeguard measure imposed under section 203(a) of the Trade Act of 1974 should be granted.

Respectfully yours,

/s/ Phillip B. Straub

Phillip B. Straub
Senior Attorney
Caterpillar Inc.

cc: Elizabeth C. Hafner
William C. Lane
Sunit K. Sachdev

² This definition differs slightly from the ripper shank steel provided by Corus, due only to rounding certain dimensions.

³ See, Minimill 201 Coalition's Dec. 5, 2001 Response to Exclusion Requests Exhibit 2 at Paragraph 4; and Minimill 201 Coalition's Feb. 11, 2002 Revision to Domestic Producers' Response to Requests to Exclude Products from Import Relief.

William L. Dutton

02/06/02 06:48 AM

To: Phillip B. Straub/OA/Caterpillar@Caterpillar
cc: Sunil K. Sachdev/OB/Caterpillar@Caterpillar
Subject: RE: Ripper Shank Description

Caterpillar: Confidential Green

Retain Until: 09/08/2002

Retention Category: G90 - Information and Reports

Pat Fortier is Sales Manager for Bethlehem Steel.

----- Forwarded by William L. Dutton/OB/Caterpillar on 02/06/2002 06:45 AM -----



Pat Fortier
<pat.fortier@bethsteel.com>

02/05/2002 04:15 PM

To: "William L. Dutton" <Dutton_William_L@notes.cat.com>
"shelby.pixley" <shelby.pixley@bethsteel.com>
"patrick.fortier" <patrick.fortier@bethsteel.com>
cc:
Subject: RE: Ripper Shank Description

Caterpillar: Confidential Green

Retain Until: 03/07/2002

Retention Category: G90 - Information and Reports

BILL,

AN ATTORNEY NAMED RICHERT TOLD ME TO TELL YOU TO RESUBMIT
THE NEW RIPPER SHANK DEFINITION BELOW IN A 201 EXCLUSION
FORMAT AND THEY WILL ALLOW THE EXCLUSION!
PAT FORTIER

-----Original Message-----

From: William L. Dutton [SMTP:Dutton_William_L@cat.com]
Sent: Thursday, January 31, 2002 12:52 PM
To: shelby.pixley; patrick.fortier
Subject: Ripper Shank Description

Earlier this month I e-mailed a description of Caterpillars ripper shanks which we intend to submit to the ITC with our exclusion request. The intent of these descriptions is clearly define the material so striped burned plate can not be imported as a ripped shank. We think that this description will work but we would like your opinion.

Rippershank Definition 013002
Ripper Shank Definition
Revised 1/30/02

Rectangular rolled section having rounded corners with radii of at least 6mm but not more than 25mm; of SAE 41B30 modified chemistry containing manganese of at least 1.00 percent but not more than 1.30 percent by weight, and containing chromium of at least 0.40 percent but not more than 0.65 percent by weight, and with a thickness of at least 72mm but not more than 77mm and a width of at least 327mm but not more than 337mm, or with a thickness of at least 86mm but not more than 92mm and a width of at least 352mm but not more than 362mm, or with a thickness of at least 86mm but not more than 92mm and a width of at least 377mm but not more than 387mm, or with a thickness of at least 96mm but not more than 102mm and a width of at least 395mm but not more than 405mm, or with a thickness of at least 106mm but not more than 112mm and a width of at least 444mm but not more than 455mm.

William L. Dutton

02/05/02 07:27 AM

To: Phillip B. Straub/0A/Caterpillar@Caterpillar
cc: Sunit K. Sachdev/0B/Caterpillar@Caterpillar
Phil E. Wilfinger/0B/Caterpillar@Caterpillar
Subject: Re: Ripper Shank Description

Caterpillar: Confidential Green

Retain Until: 08/07/2002

Retention Category: G90 - Information and Reports

This response is from Scott Pape at US Steel.

--- Forwarded by William L. Dutton/0B/Caterpillar on 02/05/2002 07:20 AM ---

**SPape@uss.com**

02/01/2002 10:33 AM

To: "William L. Dutton" <Dutton_William_L@notes.cat.com>
cc: TJStanek@uss.com
MSFleishman@uss.com
Subject: Re: Ripper Shank Description

Caterpillar: Confidential Green

Retain Until: 08/03/2002

Retention Category: G90 - Information and Reports

Our people are satisfied with this definition, and will be contacting your attorneys to put this one to bed.

Let me know if you need anything else.

Scott C. Pape
Manager - Commercial

William L. Dutton
02/07/2002 09:20 AM

To: Phillip B. Straub/OA/Caterpillar@Caterpillar
cc: Surjit K. Sachdev/OB/Caterpillar@Caterpillar
Subject: National Steel & Ripper Shanks

Caterpillar: Confidential Green

Retain Until: 03/09/2002

Retention Category: GSD - Information and
Reports

Scott Montross, National Steel, declined to give an opinion on the ripper shank description. This material is so far removed from their product he felt that he could not comment.

**NONCONFIDENTIAL VERSION
PLATE PRODUCTS**

3. SAE 4135 (modified) (unit: % Weight, Ladle Analysis)

C: 0.33-0.38, Mn: 0.60-0.90, Si: 0.15-0.30, P: max. 0.030, S: max. 0.030, Cr: 0.90-1.25, Mo: 0.15-0.25.

High carbon hot-rolled alloy steel, with widths greater than 36".

4. SAE 8660 and SAE 8660 (modified) (unit: % Weight, Ladle Analysis)

SAE 8660: C: 0.56-0.64, Mn: 0.75-1.00, Ni: 0.40-0.70, Mo: 0.15-0.25

High carbon hot-rolled alloy steel, with widths greater than 36".

SAE 8660 (modified): C: 0.61-0.72, Mn: 0.30-0.50, Ni: 0.60-0.90, Mo: 0.10-0.15.

High carbon hot-rolled alloy steel, with widths greater than 36".

5. SAE 8670 (modified)

C: 0.67%-0.75%, Mn: 0.40-0.60, Si: 0.20-0.35, P: 0.035 max., S: 0.035 max, Cr: 0.20-0.50, Ni: 0.70-1.00, Mo: 0.11-0.15

High carbon hot-rolled alloy steel, with widths greater than 36".

Exclusion requested by: Nippon Steel Corp., NKK Corp., Kawasaki Steel Corp., Sumitomo Metals Indus., Kobe Steel, Ltd., Nisshin Steel Co., Japan Iron & Steel Exporters' Assn., and Suzuki Metal Indus., Ltd.¹⁰

Response: The product exclusion request relating to JIS SCM 435 is invalid because it continues to rely upon a foreign specification. Foreign specifications are not likely to be known by the U.S. Customs Service and, therefore, cannot be enforced.

BSC can produce all of these grades in the widths defined. USS can produce JIS SCM 435, SAE 4130 (modified), and SAE 4135 (modified) in plate form.

Alloy Ribbar Shank Steel (X-148)

Product Description (as revised): This product, as originally described by the requester, was addressed at page Plate 4 of Domestic Producers' December 20 submission. Corus Group plc has submitted revised specifications as follows:

¹⁰ Id.

**NONCONFIDENTIAL VERSION
PLATE PRODUCTS**

Rectangular rolled section having rounded corners with radii of at least 6mm but not more than 25mm; of SAE 41B30 modified chemistry containing manganese of at least 1.00 percent but not more than 1.30 percent by weight, and containing chromium of at least 0.40 percent but not more than 0.65 percent by weight; and with a thickness of at least 72mm but not more than 77mm and a width of at least 327mm but not more than 337mm, or with a thickness of at least 86.5mm but not more than 91.5mm and a width of at least 352mm but not more than 362mm, or with a thickness of at least 86.5mm but not more than 91.5mm and a width of at least 377mm but not more than 387mm, or with a thickness of at least 96.5mm but not more than 101.5mm and a width of at least 395mm but not more than 405mm, or with a thickness of at least 106.5mm but not more than 111.5mm and a width of at least 444.5mm but not more than 455.5mm.

Exclusion requested by: Corus Group plc¹¹

Response: Provided that no U.S. supplier can produce this product, Domestic Producers have no objection to excluding this product as described in Corus Group's revised product exclusion request.

¹¹ Exclusion request from Steptoe & Johnson, LLP on behalf of Corus Group, plc (Nov. 13, 2001) (Public Version); Revised exclusion request from Steptoe & Johnson, LLP on behalf of Corus Group, plc (Feb. 4, 2002). As Domestic Producers' noted in their response to Corus Group's initial request, it is Domestic Producers' understanding that Corus Group's request is consistent with Caterpillar's request for the exclusion of "Alloy Ripper Shank Steel" (X-115.2).

William L. Dutton

02/07/02 09:12 AM

To: Phillip B. Straub/OA/Caterpillar@Caterpillar
cc: Sunit K. Sachdev/UB/Caterpillar@Caterpillar
Subject: RE: Caterpillar Ripper Shank

Caterpillar: Confidential Green

Retain Until: 03/09/2002

Retention Category: G90 - Information and Reports

----- Forwarded by William L. Dutton/UB/Caterpillar on 02/07/2002 09:10 AM -----



"David A. Howard"
<dahoward@wcisteel.com>

02/07/2002 07:07 AM

Please respond to
"dahoward@wcisteel.com"

To: "William L. Dutton" <Dutton_William_L@notes.cat.com>
cc:

Subject: RE: Caterpillar Ripper Shank

Caterpillar: Confidential Green

Retain Until: 03/09/2002

Retention Category: G90 - Information and Reports

After review of the specification material you provided, we have notified our counsel yesterday morning that we will no longer object to the exclusion request for Caterpillar Ripper Shank material. Our counsel was requested to notify the appropriate parties that we are removing our objection. This exclusion request was identified in our materials as exclusion request X-115.

David A. Howard
Vice President, Commercial
WCI Steel, Inc.
Warren, Ohio 44483
email: dahoward@wcisteel.com
Ph: (330) 841-8038
Fx: (330) 841-8902

-----Original Message-----

From: William L. Dutton [SMTP:Dutton_William_L@cat.com]
Sent: Wednesday, February 06, 2002 1:26 PM
To: dahoward
Subject: Caterpillar Ripper Shank

Dear Mr. Howard
WCI Steel
Warren Ohio

Thank you for your cooperation in regards to our ripper shank exclusion request. From our phone conversation of 2/6/2002 I understand that WCI Steel no longer objects to our request based on the thickness of the material. Could you confirm this by return e-mail?

PUBLIC DOCUMENT**Via Electronic Mail**

February 11, 2002

Gloria Blue
Executive Secretary
Trade Policy Staff Committee
Office of the United States Trade Representative
600 Seventeenth Street, N.W.
Washington, DC 20508

Re: **Public Comments on Potential Action Under Section 203 of the Trade Act of 1974 With Regards to Imports of Certain Steel: *Revision to Domestic Producers' Response to Requests to Exclude Products From Import Relief***

Dear Ms. Blue:

WCI Steel, Inc. hereby withdraws its objection to the exclusion of alloy ripper shank steel as requested by Caterpillar Inc.¹ This request is listed as document X-115 on the USTR web site. As WCI was our only client objecting to this request, we ask that our previous submissions commenting on exclusion requests, made on behalf of the Minimill 201 Coalition

¹ Exclusion request from Powell Goldstein on behalf of Caterpillar Inc. (November 13, 2001) (Public Document).

PUBLIC DOCUMENT

(Flat Products); Gallatin Steel Company; Geneva Steel Company; IPSCO Steel Inc.; Nucor Corporation; Rouge Steel Company; Steel Dynamics, Inc.; WCI Steel, Inc.; and Weirton Steel Corporation (December 7, 2001 and January 22, 2002), be amended to reflect this change. The appropriate response of these parties is now: **Provided that this product is not produced by other U.S. manufacturers, Domestic Producers do not object to the exclusion of this product.**

Should you have any questions regarding this submission, please do not hesitate to contact the undersigned.

Respectfully submitted,

Roger B. Schagrin
SCHAGRIN ASSOCIATES
1100 Fifteenth Street, N.W.
Suite 700
Washington, DC 20005
Telephone: (202) 223-1700
Facsimile: (202) 429-2522

Counsel for the Minimill 201 Coalition (Flat Products); Gallatin Steel Company; Geneva Steel Company; IPSCO Steel Inc.; Nucor Corporation; Rouge Steel Company; Steel Dynamics, Inc.; WCI Steel, Inc.; and Weirton Steel Corporation